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27. The method of claim 1, wherein the step of dissolving further comprises:
stirring the sterilizing solution, wherein the stirring facilitates the dissolving of the dry solid material.

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28. The method of claim 1, further comprising:
contacting a lumen of an endoscope with the sterilizing solution, wherein the lumen becomes sterilized.

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29. A method of preparing a sterilizing solution, comprising:
(a) storing dry solid material comprising one or more dipercarboxylic acid; and
(b) dissolving the dry solid material into water as needed to prepare an aqueous sterilizing solution having a dipercarboxylic acid concentration between about 0.1 weight percent and saturation, in the absence of a peroxide.

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30. The method of claim 29, wherein the solid material further comprises inorganic salts.

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31. The method of claim 30, wherein the inorganic salts are provided in a stabilizing amount.

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32. The method of claim 29, wherein the solid material is substantially free from organic compounds other than the one or more dipercarboxylic acid.

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33. The method of claim 29, wherein the one or more dipercarboxylic acid is soluble in water in the absence of a solubilizer.

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34. The method of claim 29, wherein the one or more dipercarboxylic acid is selected from diperglutaric acid, diperadipic acid, diperpimelic acid, dipersuberic acid, and diperazelaic acid, and combinations thereof.

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35. The method of claim 29, wherein the amount of solid material dissolved into water is sufficient to be sporicidal.

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36. The method of claim 29, wherein the amount of solid material dissolved into water is sufficient to be sterilizing.

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37. The method of claim 29, wherein the water is at ambient temperature.

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38. The disinfecting solution formed by the method of claim 29.

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39. The method of claim 29, wherein the dry solid material further comprises one or more organic solubilizers selected from long chain aliphatic fatty acids, long chain aliphatic quaternary ammonium salts, and combinations thereof.

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40. A method of preparing a sterilizing solution, comprising:
(a) storing dry solid material comprising sterilizing agents consisting essentially of one or more dipercarboxylic acids; and
(b) dissolving the dry solid material into water as needed to prepare an aqueous sterilizing solution having a dipercarboxylic acid concentration between about 0.1 weight percent and saturation.

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41. The method of claim 40, wherein the solid material further comprises inorganic salts.

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42. The method of claim 41, wherein the inorganic salts are provided in a stabilizing amount.

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43. The method of claim 40, wherein the solid material is substantially free from organic compounds other than the one or more dipercarboxylic acid.

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44. The method of claim 40, wherein the one or more dipercarboxylic acid is soluble in water in the absence of a solubilizer.

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45. The method of claim 40, wherein the one or more dipercarboxylic acid is selected from diperglutaric acid, diperadipic acid, diperpimelic acid, dipersuberic acid, and diperazelaic acid, and

combinations thereof.

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46. The method of claim 40, wherein the amount of solid material dissolved into water is sufficient to be sporicidal.

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47. The method of claim 40, wherein the amount of solid material dissolved into water is sufficient to be sterilizing.

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48. The method of claim 40, wherein the water is at ambient temperature.

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49. The disinfecting solution formed by the method of claim 40.

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50. The method of claim 40, wherein the dry solid material further comprises one or more organic solubilizers selected from long chain aliphatic fatty acids, long chain aliphatic quaternary ammonium salts, and combinations thereof.

REMARKS

Claims 1 – 11 and 17 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserts that the term “comprising” cited in the claims is inclusive and fails to exclude unrecited steps.

Applicant has requested entry of new dependent claims that further point out and distinctly claim the subject matter that Applicant regards as the invention. With the addition of these new dependent claims, it is obvious that there are additional steps that may be performed other than those recited in claim 1. Reconsideration and withdrawal of the rejection is respectfully requested.

Furthermore, Applicant has requested entry of a new claim that uses the term “consisting essentially of” in a clause in the body of the claim to claim the composition of the sterilizing agents contained in the dry solid material. The term “consisting essentially of” has been interpreted by the courts to limit the scope of the claim to the specified materials or steps “and those that do not materially affect the *basic* and *novel* characteristic(s)” of the claimed invention. *In re Herz*, 537